

REMARKS

Applicant appreciates the Examiner's thorough consideration and efforts with respect to present application. Claims 1-3 are currently pending in the instant application. Claims 1 and 3 have been amended. Claims 1 and 3 are independent. Reconsideration of the present application is earnestly solicited.

Priority

Applicant appreciates the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

Drawings

Applicant appreciates the Examiner's indication of acceptance of the formal drawings filed on April 13, 2000. Accordingly, no further action is required with respect to the drawings.

Specification

Applicant appreciates the Examiner's identification of potential minor informalities with the Abstract of the Disclosure. Specifically, Applicant has

amended the Abstract of the Disclosure as requested by the Examiner. Applicant submits that the non-narrowing amendments to the Abstract of the Disclosure have been incorporated into the Replacement Abstract of the Disclosure provided in a separate sheet as an attachment to this Amendment.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kuba et al. (U.S. Patent No. 5,806,072). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicant has amended claims 1 and 3 to clarify the claimed invention for the benefit of the Examiner. Accordingly, this rejection has been obviated and/or rendered moot.

For example, with respect to claim 1, Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *"a frame number storage device for storing, for the image pickup theme set by*

said image pickup theme setting device, a last frame number of a plurality of frame numbers assigned at the time of imaging; a frame number increment device for incrementing, every time the subject is imaged by said imaging device, the last frame number for the image pickup theme set by said image pickup theme setting device out of the frame numbers stored in said frame number storage device; a storage control device for controlling said frame number storage device such that the last frame number incremented by said frame number increment device is stored for the corresponding image pickup theme; and an image data recording control device for recording on a recording medium data representing the last frame number incremented by said frame number increment device and the image data outputted from said imaging device by the imaging under the image pickup theme set by said image pickup theme setting device with the data and the image data related to each other."

(Emphasis Added) Accordingly, this rejection should be withdrawn.

With respect to claim 3, Applicant submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention, including the feature(s) of: *"storing, for the set image pickup theme, a last frame number of a plurality of frame numbers assigned at the time of imaging; imaging a subject, to obtain image data*

representing an image of the subject; incrementing, every time the subject is imaged, the last frame number for the set image pickup theme out of the stored frame numbers; *storing the incremented last frame number for the corresponding image pickup theme*; and recording on a recording medium data representing the *incremented last frame number* and the image data obtained by the imaging under the set image pickup theme with the data and the image data related to each other.” (Emphasis Added) Accordingly, this rejection should be withdrawn.

With respect to the Kuba et al. reference, Applicant submits that a plurality of continuous frame numbers are stored in each directory of the image’s file name. However, the Kuba et al. reference does not teach or suggest a frame number storage device that stores a last frame of a plurality of frame numbers which is assigned at the time of imaging for each of the image pickup themes. In the claimed invention, as further seen in FIG. 2 of the present application (supporting written description on pages 7-9 of the present application), only the last frame is assigned to each image pickup theme, i.e., flower corresponds to DSC.00010 and the next image pickup theme, sports, corresponds to DSC.00030. In contrast, as seen in FIGs. 53 and 60 of Kuba et al. (cited by the Examiner in conjunction with the description on col. 5 and col.

31 of Kuba et al, respectively), each frame number corresponds to a directory entry (FIG. 53) and a plurality of continuous or consecutive frame numbers are stored in each directory as the image's file name (see FIGs. 60 and 61-#1, #2, #3, etc. in FIG. 61).

Further, as admitted by the Examiner, Kuba et al. fails to teach or suggest "an image pickup theme setting device which comprises and image pickup theme storage device for storing a plurality of image pickup themes and an image pickup theme selection device for selecting the image pickup them out of the image pickup themes stored in the image pickup them storage device." (see Office Action, paragraph 8). Therefore, Applicant submits that Kuba et al. cannot teach or suggest the feature of: "storing, for the set image pickup theme, a last frame number of a plurality of frame numbers assigned at the time of imaging." At most, Kuba et al. describes that it is possible to store images based on theme, i.e., "In the above subdirectories may be stored image files concerning pictures of scenes belonging to the same theme or those classified for pick-up periods or as to whether pictures are advancement or retreat storage pictures." (see col. 15, lines 13-18 of Kuba et al.) However, Kuba et al. does not mention anything relating to storing *a last frame number* for each of the image pickup themes. Therefore, the Examiner's suggestion

that this storage hierarchy is somehow inherent in Kuba et al. is respectfully traversed.

Claim Rejections Under 35 U.S.C. § 103

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuba et al. in view of Parulski et al. (U.S. Patent No. 5,633,678). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicant respectfully submits that all of the rejections have been obviated and/or rendered moot. As discussed in greater detail hereinabove, the prior art of record fails to teach or suggest all of the limitations of even the independent claims. Accordingly, this rejection is improper and should be withdrawn.

With respect to the Parulski et al. reference, Applicant submits that this reference fails to teach or suggest the shortcomings identified hereinabove with respect to claims 1 and 3. Accordingly, this rejection should be withdrawn. Parulski et al. has been provided merely to show that designation or characterization of images in a digital camera according to theme has been known in the related art. However, neither of the references relied upon by the Examiner teach or suggest storing images according to theme and/or a frame

number storage device that stores *the last frame number* of a plurality of frame numbers assigned at the time of imaging for *each of the image pickup themes*. Accordingly, this rejection is improper and should be withdrawn.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Docket No. 0905-0233P
Appl. No.: 09/549,044
Art Unit: 2612
Amendment dated March 8, 2004
Reply to Office Action of December 8, 2003
Page 13 of 14

Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Marc S. Weiner
Reg. No. 32,181


MSW/MTS/cl

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments